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Ser. No. 10/733,717

Remarks

Claims 1-12 were pending in the application. Claims 1-12 were rejected. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, no claims are amended, and claims 13-18 are added. No new matter is presented.

Interview Summary

Applicant appreciates the courtesy of an in-person interview March 6, 2007 between the undersigned and Examiners Chuka C. Ndubizu and Kenneth Rinehart. The claim elements were reviewed relative to the specification and drawings to provide an understanding of the invention. No specific art was discussed and no agreement reached.

Specification

Paragraph 0006 is believed clear as-is. Nevertheless, in the interest of advancing examination, paragraph 0006 has been amended as proposed.

Claim Rejections-35 U.S.C. 103

Claims 1, 2, and 4-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. (US5494004) in view of Adams (US4545329). Applicant respectfully traverses the rejection.

At page 2, the Office action listed four factual inquiries under *Graham v. John Deere*. However, the Office action then failed to provide sufficient analysis of these factors. For example, there is no resolution of the level of ordinary skill or consideration of objective evidence present and including teachings of the references indicating obvious or non-obviousness. Furthermore, and with particular relevance to claim 8, there has been insufficient analysis of the scope and content of the prior art and interpretation of the claims. Specifically, claim 8 is written in means-plus-function language under 35 U.S.C. 112(6). There has been no analysis under this section.

Turning to specifics, Hunter, Jr. involves an articulating soot blower. Hunter, Jr. includes oddly named apertures 21A and 31A which wind back and forth between ends of the members 21 and 31 to carry cooling water.

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Adams "relates generally to gas/oil fired commercial and residential water heaters..." Col. 1, lines 13&14. There is no substantiation for the assertion that Adams is in the same area of endeavor as either Hunter, Jr. or the present disclosure. Adams discloses flange mounting of a fire tube assembly 31 to a tank 13.

It was asserted as having been obvious "to modify Hunter's cleaning apparatus by including the limitations taught by Adams and recited above in order to provide an apparatus where the cleaning tube is easily removed by detaching the mounting flange as taught by Adams (column 2 line 36-38)." Office action, page 4, second full paragraph. This is circular logic and conclusory. For example, there is no reason to assume that one of ordinary skill in the art would have regarded Hunter, Jr. as being insufficiently easily removable. To the contrary, the Hunter, Jr. lack of a flange clearly evidences ease of removing. Furthermore, as a general matter, flanges are old and notorious in perhaps every art. Flanges would clearly have been available to Hunter, Jr. The fact that Hunter, Jr. did not himself adopt such a flange is evidence of non-obviousness (e.g., teaching away). This is distinguished, for example, from the situation of a secondary reference embodying a recently-developed technology.

There is further no disclosure of the particular rims and outlet location of claim 4.

There is no suggestion for the use of a cooling gas of claim 9. There is no suggestion or other reason for the passing of the cooling fluid into the vessel interior (e.g., as opposed to returning fluid). If the examiner is interpreting claim 12 differently, Applicant requests the courtesy of a telephone interview to discuss appropriate amendment.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of Adams and further in view of Beusman (US3084373). Applicant respectfully traverses the rejection.

Beusman discloses a cooled steam soot blower rather than a combustion-operated soot blower. The soot blower has a radially/circumferentially extending array of nozzles 12. Cooling air is introduced through a tube 19. The air passes through ducts 14 and a sheath 13.

It was asserted as having been obvious "to modify Hunter in view of Adams's cleaning apparatus by including the cooling fluid inlet along the flange in order to provide a cleaning apparatus particularly adaptable to clean steam superheaters as taught by Beusman (column 1 line

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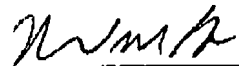
41 42)." Office action, page 5, third paragraph. This is clearly an insufficient reason. First, there is no indication that Hunter, Jr. would require any modification to clean superheaters.

Second, there is no indication that one of ordinary skill in the art would have selected any modification from Beusman. Beusman is a substantially different structure than Hunter, Jr. Beusman involves a radial discharge of steam from an array of small discrete steam nozzles. Hunter, Jr. involves discharge of a shockwave from the end of a single conduit. These are greatly different situations. There is no indication of how Beusman would be adapted to Hunter, Jr. without destroying its basic functionality or with any chance of functioning, let alone an expectation of having advantageous performance.

Again, Beusman substantially predates Hunter, Jr. Presumably, had any combination been obvious, Hunter Jr. would have made it. This is similarly distinguished from the situation of a recently-arisen secondary reference being used to modify a variety of existing references.

Accordingly, Applicant submits that claims 1-18 are in condition for allowance. Please charge any fees or deficiency or credit any overpayment to our Deposit Account of record.

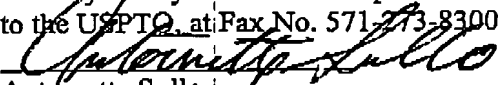
Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted this 16th day of May, 2007 to the USPTO at Fax No. 571-273-8300.


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